



## Burma

### Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 31, 2003

Burma is ruled by a highly authoritarian military regime. In 1962 General Ne Win overthrew the elected civilian government and replaced it with a repressive military government dominated by the majority ethnic group. In 1988 the armed forces brutally suppressed prodemocracy demonstrations, and a junta composed of military officers, called the State Peace and Development Council (SPDC), led by Senior General Than Shwe, took control. Since then the SPDC has ruled by decree. The judiciary was not independent, and there was no effective rule of law.

The regime reinforced its firm military rule with a pervasive security apparatus, the Office of Chief Military Intelligence (OCMI). Control was implemented through surveillance of government employees and private citizens, harassment of political activists, intimidation, arrest, detention, physical abuse, and restrictions on citizens' contacts with foreigners. The SPDC justified its security measures as necessary to maintain order and national unity. Members of the security forces committed numerous, serious human rights abuses.

The country had a population of approximately 50 million. The country was extremely poor; the estimated annual per capita income was approximately \$300. Four decades of military rule and mismanagement resulted in widespread poverty, poor health care, and declining educational levels. Primarily an agricultural economy, the country also had substantial mineral, fishing, and timber resources. Extensive state influence over the economy, widespread corruption, and poor infrastructure has led to rapidly deteriorating economic conditions.

The regime's human rights record remained extremely poor, and it continued to commit numerous serious abuses. Citizens did not have the right to change their government. In ethnic minority areas, security forces continued to commit extrajudicial killings and rape, forcibly relocated persons, used forced labor, and conscripted child soldiers. Disappearances continued, and members of the security forces tortured, beat, and otherwise abused prisoners and detainees. Citizens were subjected to arbitrary arrest without appeal. Arrests and detention for expression of dissenting political views occurred on numerous occasions. The SPDC arrested approximately 45 persons, including some NLD members, for political activities during the year; most were released within days. The Government also released approximately 550 political prisoners since talks began with the NLD in 2000. By year's end, an estimated 1,300 political prisoners (including members and supporters of ethnic armed groups) remained in prison. Prison conditions remained harsh and life threatening, although conditions improved in some prisons since the International Committee of the Red Cross (ICRC) was allowed access. The judiciary was not independent.

The SPDC continued to restrict severely freedom of speech, press, assembly, association, and travel. During the year, persons suspected of or charged with prodemocratic political activity were subjected to regular surveillance and occasional harassment. The junta restricted freedom of religion, coercively promoted Buddhism over other religions, and imposed restrictions on religious minorities. The regime's control over the country's Muslim minority continued, although acts of violence against Muslims decreased from last year. The regime regularly infringed on citizens' privacy; security forces continued to monitor citizens' movements and communications systematically, search homes without warrants, and relocate persons forcibly without just compensation or legal recourse. The SPDC also continued to forcibly relocate large ethnic minority populations in order to deprive armed ethnic groups of civilian bases of support. The regime continued to restrict freedom of movement and, in particular, foreign travel by female citizens. On May 6, the regime released opposition leader and National League for Democracy (NLD) General Secretary Aung San Suu Kyi from almost 20 months of house detention and has allowed her to travel within the country since that time. The regime also loosened restrictions on NLD activities and generally allowed Aung San Suu Kyi to meet representatives of foreign governments and international organizations. The regime closely monitored NLD activities at NLD offices as well as the activities of other political parties throughout the country. The junta recognized the NLD as a legal entity; however, it restricted their activities severely through

security measures, harassment, and threats. The NLD was permitted to reopen approximately 90 out of 300 offices countrywide. The SPDC did not allow domestic human rights organizations to function independently and remained generally hostile to outside scrutiny of its human rights record. However, in 2001 and during the year, it allowed the U.N. Special Rapporteur on Human Rights in Burma to conduct missions to the country. It also allowed the International Labor Organization (ILO) to establish a liaison office in Rangoon. Violence and societal discrimination against women remained problems, as did discrimination against religious and ethnic minorities. There were no policies that discriminated against persons with disabilities. The regime continued to restrict worker rights, ban unions, and used forced labor for public works and for the support of military garrisons. Other forced labor, including forced child labor remained a serious problem, despite recent ordinances outlawing the practice. The forced use of citizens as porters by SPDC troops --with attendant mistreatment, illness, and sometimes death -- remained a common practice as did recruitment of child soldiers by the SPDC. Trafficking in persons, particularly in women and girls mostly for the purposes of prostitution, remained widespread, despite increased regime efforts to publicize dangers to potential victims.

Ethnic armed groups including the Karen National Union (KNU), the Karenni National Progressive Party (KNPP), and the Shan State Army-South (SSA) reportedly also committed human rights abuses, although on a lesser scale; abuses included killings, rapes, forced labor, and conscripted child soldiers.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

Arbitrary or Unlawful Deprivation of Life Amnesty International (AI), and groups like the Shan Human Rights Foundation (SHRF) and the Karen Human Rights Group (KHRG), which have been associated with armed ethnic resistance groups, reported numerous cases throughout the year of military troops killing civilians in border areas and areas of ethnic resistance, often after confiscating property or torturing the individuals (see Sections 1.g. and 5). Interviews by foreign observers documented similar abuses.

In a July report entitled "Myanmar: Lack of Security in Counter-Insurgency Areas," AI cited a January 30 killing of six Shan State civilians near the Thai border. The six villagers, who had been relocated forcibly from their original homes by SPDC troops in 1996-97, were attempting to cross into Thailand illegally when reportedly they were robbed and killed by SPDC troops. According to the report, the killings did not appear to be related to counter-insurgency activities. On April 28, the KHRG reported that villagers who recently had been forced from their homes in Karen State were attacked by SPDC troops while sleeping. Ten persons were shot and killed, six of whom were children; and nine others were injured, including a pregnant woman. On May 10, one of the injured died. The regime contended that the casualties were caught in a crossfire during a fight with armed ethnic groups. The SHRF reported that on September 21, a SPDC unit raided a village in Kholam, Shan State, killing 10 villagers in retaliation for an earlier attack by the Shan State Army (SSA) against SPDC troops, which killed one soldier. These reports were not confirmed by independent sources.

Brutal treatment by soldiers also caused deaths among those conscripted as military porters and laborers. There were unconfirmed reports by various groups indicating that porters and laborers who no longer physically were able to work sometimes were abandoned without medical care or were killed (see Section 6.c.).

In 2001 according to one report from the KNU, at least 200 prisoners from the Tavoy prison in Tenasserim division were conscripted by SPDC troops as laborers to construct a front line camp. The prisoners were tied together in groups of 5 and were guarded by 40 soldiers. As prisoners weakened and no longer could work, 11 of them were shot and killed. During the year, there were similar credible reports of the military taking over 300 prisoners from jails in Shan State for use as porters. There were no reports that soldiers involved in past killings or other abuses were investigated or punished during the year.

Inmates died in prisons and labor camps, or shortly after being released from them, due to harsh treatment and lack of adequate medical care (see Section 1.c.). On July 31, Aik Paung, Secretary of the Palaung Liberation Front, died in Moulmein prison. Although his stomach reportedly was bloated and swollen for 3 days, he was not hospitalized or provided with any type of medical attention. In September political prisoner Aung May Thu died from a bleeding ulcer while in custody (see Section 1.c.). In October an NLD Shan State Vice Chairman, U Sai Hpa, died in custody, reportedly from cerebral malaria (see Section 1.d.).

Some armed ethnic groups also reportedly committed killings. On April 15, according to the SPDC, the KNU blew up a trishaw in Myawady, Karen State, killing 5 persons and injuring 31 persons. The KNU denied responsibility for the killings.

## b. Disappearance

Private citizens and political activists continued to "disappear" for periods ranging from several hours to several weeks or more, and many persons never reappeared. Such disappearances generally were attributed to government authorities detaining individuals for questioning without the knowledge of their family members, or the SPDC troops' practice of seizing private citizens for portage or related duties, often without the knowledge of their family members (see Section 6.c.). In many cases, the individuals who were detained for questioning were released soon afterward and returned to their families. However, the whereabouts of persons seized by SPDC units to serve as porters, as well as of prisoners transferred for labor or portage duties, often remained unknown. There also were reports of private citizens who were killed while serving as porters (see Section 1.a.). Family members generally learned of their relatives' fates only if fellow prisoners survived and later reported information to the families. According to the SHRF, in August a villager returning from gathering wild vegetables allegedly disappeared after being taken by three SPDC troops to the military camp at Naa Kawng Mu village in Mung-Ton township.

During an interview with the Democratic Voice of Burma, Ko Tait Naing, the Secretary of the Association for Assistance to Political Prisoners (AAPP), alleged that several political prisoners were executed secretly by the junta. Naing stated that in July 2001, seven prisoners were taken away from the prison in Beik and that there were unconfirmed reports they were executed. Naing also alleged that in April six prisoners who were taken away from the prison in Kawthaung, were executed at Ngapyawjoaw village tract to the east of Zatekyi naval base.

## c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are laws that prohibit torture; however, members of the security forces reportedly tortured, beat, and otherwise abused prisoners, detainees, and other citizens. They routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. There were reports in past years that prisoners were forced to squat or assume stressful, uncomfortable, or painful positions for lengthy periods. There continued to be many credible reports that security forces subjected citizens to harassment and physical abuse. The military forces routinely confiscated property, cash, and food, and used coercive and abusive recruitment methods to procure porters. Persons forced into portage or other labor faced extremely difficult conditions, beatings, and mistreatment that at times resulted in death. From June 7 to June 20, SPDC troops forced more than 130 civilians to serve as porters near Keng Tung, Shan State. According to the SHRF at least seven persons died due to mistreatment (see Section 6.c.). SPDC soldiers beat, raped, and killed persons who resisted relocation or forced conscription and forced labor. There were numerous reports that SPDC troops looted and confiscated property and possessions from forcibly relocated persons, or persons who were away from their homes; these materials often were used for military construction. There were reports of SPDC troops who confiscated privately owned vehicles for military transport without compensating the vehicle owners.

During the year, there were complaints of government mistreatment and exploitation of farmers. In the past, numerous farmers were held in custody for failing to meet local production requirements, although there were no such reports during the year.

In early March, in downtown Rangoon, residents of 25 homes in Weggi quarter were ordered by the regional military commander to vacate their houses by the end of the month. These persons, many of whom were long time residents, appealed the order to senior SPDC officials to no avail. Under military threats, many accepted relocation to apartments estimated to be worth approximately 10 percent the value of their vacated homes. On April 5, armed military authorities forced remaining tenants to leave their houses, arresting those who refused. The homes were destroyed, reportedly to make way for construction of new residences for families or companies connected to the regime.

In May according to the KHRG, SPDC troops attempted to extort money from villagers in Karen State prior to a forced relocation. The troops reportedly burned homes, tortured a village headman by shooting him in the thighs and cutting tendons in his legs, and beat other villagers (see Sections 1.f. and 2.d.).

The KHRG reported that on July 11, soldiers opened fire on Saw Poe Tot, a villager looking for his elephant, in Kameik village in Tenasserim division. He was taken to a hospital by relatives and survived.

On August 17, Captain Zaw Min Oo reportedly entered Yusomoso, a mainly Catholic village in Timoso township in Kaya State (east of Karen State) where, according to a reliable source, the Captain raped a 4-year-old child. Military authorities reportedly offered the villagers approximately \$20 (20,000 kyat) to drop the case. In October the SHRF reported that two SPDC soldiers used their rifle butts to beat and rape a woman who was doing her laundry by the river in Kaen-Tung township. They allegedly threw her into the river while she was still unconscious. The

woman survived and she and her husband complained to their village headman and the community leader. No action was taken due to fear of the police and SPDC township authorities. Also in October, a group of six or seven SPDC troops reportedly raped two women in Murng-Khark township.

SPDC troops raped women who were members of ethnic minorities, especially in Shan, Karenni, and Karen States (see Section 1.g.).

Corruption among local government officials was widespread and included complicity in the trafficking of persons (see Section 6.f.).

During the year, both men and women were conscripted to serve as forced laborers and some of the women subsequently were raped at gunpoint by military personnel (see Section 1.g.).

Prison and labor camp conditions generally remained harsh and life threatening. The regime's Department of Prisons operated approximately 35 prisons and approximately 70 labor camps throughout the country (see Section 6.c.). In the prisons, food, clothing, and medical supplies reportedly were in very short supply. Bedding consisted of a single mat on the floor. Prisoners were forced to rely on their families, who were allowed to visit once every 2 weeks for 15 minutes per visit, for basic necessities. HIV/AIDS infection rates in prison reportedly were high due to communal use of single syringes for injections. During the year, the health of several political prisoners deteriorated, and at least three political prisoners died in custody (see Section 1.a.).

During the year, some prisoners were denied adequate medical care while in prison. In one case, authorities did not provide a prisoner with proper medical attention, and the prisoner subsequently died (see Section 1.a.). There were reports during the year that the health of U Win Tin, a 72-year-old journalist who has been in prison since 1989 for his political activities, continued to decline. Similarly, there were serious concerns about the health of Min Ko Naing, a student leader also arrested in 1989 and subjected to years of isolation and torture. The AAPP reported that on May 17 and 18, prison authorities severely beat two political prisoners in Bassein prison because they submitted a complaint to the prison superintendent. AAPP also reported that 22 political prisoners were moved from Kalay prison to Kathar prison, because they smuggled out letters documenting conditions in the prison.

According to the regime, political detainees were separated from common criminals, juveniles from adults, and men from women. According to the ICRC, the regime stated that political prisoners should not be subjected to hard labor.

During the year, the ICRC conducted periodic visits to all prisons in the country, attempting to visit each one a minimum of once a year. ICRC visits to labor camps began in March 2000 and continued during the year. There reportedly were approximately 70 of these camps, but many were temporary, existing only long enough to complete a specific work project. The regime allowed the ICRC to perform its traditional services, such as providing medications, delivering letters to and from prisoners, and providing support for family visits to prisoners.

#### d. Arbitrary Arrest, Detention, or Exile

There is no provision in the law for judicial determination of the legality of detention, and the SPDC routinely used arbitrary arrest and incommunicado detention. The Penal Code allows authorities to extend sentences arbitrarily after prisoners have completed their original sentence.

From September 2000 until May, Aung San Suu Kyi was held under house detention without charge. Although the regime allowed visitors to meet with her, the visits were controlled.

The regime has released an estimated 550 political prisoners, as well as another 380 political prisoners on humanitarian grounds, since talks began with the NLD in October 2000. However, it also arrested some political activists. In August approximately 20 activists were arrested for distributing pamphlets. There were reports that at least some of the 20 students were beaten during interrogation before being released approximately 10 days after their arrests. Two students arrested for a protest at Rangoon's city hall were held incommunicado for several weeks and then sentenced to 14 years in prison for subversive acts against the state. Family members and the NLD continued to make inquiries to the SPDC regarding their status but to no avail. On August 22, two NLD student members were arrested in Rangoon for possessing an illegal publication. They reportedly were not allowed adequate legal representation at their trial and were sentenced to 3 years in prison. On September 13, two NLD executive members, U Sai Hpa and U Saw Nan Ti, were arrested in Kengtung, Shan State, apparently for discussing the regime's rice quota increase with local citizens. On October 10, they were scheduled to stand trial

but one, Shan State NLD Vice Chairman U Sai Hpa, died in custody on October 9, reportedly of cerebral malaria. Tu Saw Nan Ti was sentenced to 7 years in prison. In September the regime arrested at least 30 political activists in Rangoon. Among those arrested was, U Hla Tun, an NLD Member of Parliament (M.P.) elect from the 1990 elections who had not been active in the NLD since he was released from prison in 1999. As with other arrests, there was incomplete information on these cases. There was no official announcement of the arrests and information was only available from those who witnessed the arrests or from family members who were notified by authorities of relatives who were arrested.

Prior to being charged, detainees rarely had access to legal counsel or their families. Even after being charged, detainees rarely had the benefit of counsel. Political detainees were not released on bail. Some political detainees were held incommunicado for long periods.

In September Aung May Thu died in custody while serving the sixth consecutive extension of his sentence, as permitted under the Penal Code (see Section 1.a.). At year's end, there were approximately 50 political prisoners serving extended sentences, including Min Ko Naing, a former political activist and student leader who reportedly was in deteriorating health (see Section 1.e.). In Mandalay 11 prisoners sentenced for political reasons, including Zaw Min, Ne Win, U Tin Aye Yu, U Tin Myint, U Tin Aye, U Khin Maung Thant, U Zarni Aung, U Thein Than Oo, U Kyaw Sein Maung, U Naing Myint, U Htay Nyunt, and Soe Myint completed their terms, but were not released.

Since October 2000 when confidence-building talks between Aung San Suu Kyi and the SPDC began, the SPDC has reduced its campaign of detention and intimidation against the NLD. In June 2001, the regime began releasing NLD political prisoners from "guest houses" and prisons. By year's end, the releases totaled approximately 550, including most NLD detainees and all members of the NLD's Central Executive Committee (CEC). However, at year's end, according to ICRC, there were more than 1,300 "security detainees," including approximately 170 NLD members, still incarcerated, 17 of whom were elected (NLD) M.P.s. Included among the 1,300 political prisoners were ethnic leaders, supporters of ethnic opposition groups (some of which were armed), non-NLD politicians, lawyers, journalists, and students (see Section 1.e.).

Authorities continued to detain private citizens and political activists, some of whom disappeared, at times temporarily, at the hands of security forces (see Section 1.b.).

During the year, the authorities did not detain or deport any foreign journalists.

The Constitution does not provide for forced exile, and the regime did not use forced exile.

#### e. Denial of Fair Public Trial

The judiciary is not independent of the military junta. The junta appoints justices to the Supreme Court who, in turn, appoints lower court judges with the approval of the junta. These courts then adjudicate cases under decrees promulgated by the junta that effectively have the force of law. The court system includes courts at the township, district, state, and national levels.

During the year, the regime continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. Although remnants of the British-era legal system formally were in place, the court system and its operation remained seriously flawed, particularly in regard to the handling of political cases. The misuse of overly broad laws—including the Emergency Provisions Act, the Unlawful Associations Act, the Habitual Offenders Act, and the Law on Safeguarding the State from the Danger of Destructionists—and the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial. Pervasive corruption further served to undermine the impartiality of the justice system.

Some basic due process rights, including the right to be represented by a defense attorney, generally were respected in criminal cases, but not in political cases that the regime deemed especially sensitive. In criminal cases, defense attorneys generally were permitted to call and cross-examine witnesses; however, their primary purpose was to bargain with the judge to obtain the shortest possible sentence for their clients. Reliable reports indicated that senior military authorities dictated verdicts, regardless of the evidence or the law. In addition, in political cases, trials were not open to the public. However, during the year, two high profile cases, one involving Ne Win's grandchildren and the other involving Aung San Oo and Aung San Su Kyi, were opened to the public. The press attended and reported on both trials.

In March Professor Salai Tun Than, a 74-year-old academic was sentenced to 7 years' imprisonment for staging a peaceful protest in November 2001; the details of his trial, or if he even had a trial, were not public.

During 2000 the regime initiated an extensive campaign to remove independent lawyers who were capable of providing advice and counsel to the NLD. The regime arrested and sentenced under fabricated charges nearly every lawyer with a perceived connection to the NLD. Cases included those of U Soe Han, a 77-year-old highly respected and nonpolitical lawyer, who was arrested with several others and sentenced to 21 years in prison for sending a letter to Senior General Than Shwe and Secretary One Khin Nyunt, urging the regime to release political prisoners and begin a dialog with the NLD. In 2001 the regime discontinued its campaign against independent lawyers. During the year, there were no new arrests of lawyers perceived to have NLD connections, and NLD members appeared to be able to retain the counsel of lawyers without fear of the lawyers being imprisoned. However, approximately 20 of the more than 40 lawyers jailed in 2000 remained imprisoned at year's end.

During the year, the regime slowly continued to release NLD members from prison and also began releasing a small number of student activists, many of whom had been in prison since 1989-90. The majority of the releases were of prisoners who had completed or almost completed their sentences or who were in poor health. Several political prisoners, who were convicted of crimes against the regime, were required to sign an agreement accepting to serve the remainder of their current sentences if they were rearrested for any reason. Prisoners who were being held in detention, but who had not been convicted of a crime, were not required to sign an agreement. In addition, political prisoners who were released shortly after the October 2000 talks between the regime and Aung San Suu Kyi began, were not required to sign any pre-condition agreement.

The ICRC reported that as of October there were 1,300 "security detainees" in the country. The AAPP estimated that there were approximately 1,400 political prisoners. It also found that some political prisoners remained in custody despite having completed their sentences (see Section 1.d.). Of the estimated 1,300 political prisoners, 17 were NLD M.P.s elect from the 1990 elections. Among prisoners released this year was U Aye Tha Aung, who represented four large ethnic groups in the Committee Representing the People's Parliament (CRPP). In August the regime released U Aye Tha Aung, who was arrested in 2000 and whose health was deteriorating rapidly while serving three 7-year sentences. He immediately underwent an operation for a lung tumor. Another prominent political prisoner, U Win Tin, a noted journalist and writer, arrested in 1989, still was in prison at year's end. He was 72-years-old and also reportedly was in poor health. Another high-profile political prisoner, Min Ko Naing, a student leader whose sentence was extended under the Penal Code and whose health was deteriorating, was released. Three political prisoners, Aung May Thu, U Sai Hpa, and Mai Aik Pan, a leader of the Palaung ethnic group, died while in prison during the year (see Sections 1.a., 1.c., and 1.d.).

Opposition political parties have attempted to use the courts to enforce their political rights, thus far without success. In April 2000, the Supreme Court dismissed an appeal by the NLD against the regime for illegally detaining and libeling M.P.s elect. The Supreme Court ruled that a case could not proceed against a government official--in this case the head of military intelligence--if the Head of State did not grant permission. In September 2000, lawyers for the NLD began a suit against General Than Shwe and the Chairman of the Election Commission for failing to fulfill commitments made in regard to the transition to democracy. In 2001 the suit was dismissed without a hearing.

In November 2000, the regime allowed Aung San Suu Kyi's brother, a foreign citizen, to file a suit against her seeking half ownership of the family compound in which she resided. The case widely was believed to be motivated politically, because the regime generally did not allow foreigners to file claims for property against citizens. In fact the regime had to grant a special authority to the brother for the case to be filed at all. The trial was public and lasted for several months. The case eventually was dismissed for having been filed improperly, however, the regime granted the brother authority to file a second suit, and in October the judge presiding over the case ruled that Aung San Suu Kyi's brother had the right to inheritance of the property under Buddhist customary law. The case continued at year's end.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution does not provide for these rights, and authorities infringed on citizens' privacy rights. The military regime interfered extensively and arbitrarily in the lives of citizens. Through its pervasive intelligence network and administrative procedures, the regime systematically monitored the travel of all citizens and closely monitored the activities of many citizens, particularly those known to be active politically.

The law requires that any person who spends the night at a place other than his registered domicile inform the police in advance, and that any household that hosts a person not domiciled there to maintain and submit to the police a guest list. There were reports that this restriction, which appeared to be relaxed somewhat last year, was enforced strictly this year. At least 30 arrests reportedly occurred following house-to-house searches.

Telephone service also was controlled tightly. Security personnel regularly screened private correspondence and telephone calls. The authorities generally continued to discourage citizens from subscribing directly to foreign publications (see Section 2.a.). However, in 2001 the regime loosened controls over the use of satellite television that allowed the general population to register satellite receivers for a small fee. Previously only a few businesses and individuals with special connections to the regime were allowed licenses for satellite receivers.

The regime continued to control closely the licensing and rationing of all electronic communication devices, which were monitored closely. Possession of an unregistered telephone, facsimile machine, or computer modem was punishable by imprisonment (see Section 2.a.). In April 2000, an Indonesian citizen, Irawan Sidaria, and two local technicians were arrested under the statute for having installed an Inmarsat satellite telephone unit at the Asia Plaza Hotel in Rangoon. In August 2000, Irawan Sidaria was deported to Indonesia. In June 2000, according to the SHRF, SPDC troops confiscated approximately 30 mobile phones in Murng-Ton. Although no arrests were reported, troops threatened to punish citizens severely if they refused to turn over their mobile phones. In June 2000, Myanmar Posts and Telecommunications also announced that users of nonregistered cordless telephones in the country would face up to 3 years' imprisonment, and/or a fine of approximately \$75 (30,000 kyat).

Weak private property rights and poor land ownership records facilitated involuntary relocations of persons by the regime. The law does not permit private ownership of land; it recognizes only different categories of land-use rights, many of which are not freely transferable. Postcolonial land laws also have revived the precolonial tradition that private rights to land were contingent upon the land being put to productive use.

For decades successive military regimes have applied a strategy of forced relocation against ethnic minority groups seeking autonomy in an effort to deny support to the armed ethnic groups; such forced relocations continued during the year, particularly along the Thai border. The forced relocations often were accompanied by alleged rapes, executions, and demands for forced labor to build infrastructure for villagers and SPDC units. To make way for commercial or public construction and, in some cases, for reasons of internal security and political control, the SPDC forcibly relocated citizens to "new towns." This practice has become somewhat less common in recent years. Persons relocated to new towns generally suffered from greatly reduced infrastructure support. Residents targeted for displacement generally were given no option but to move, usually on short notice (see Sections 1.c. and 2.d.).

A September report by a highly respected private citizen in Thailand estimated more than 2,500 villages have been destroyed or forcibly relocated by SPDC troops since 1996, displacing more than 600,000 citizens. The report estimated that more than 350,000 of these citizens were moved to SPDC-controlled "relocation centers," while the remainder lived in hiding. This practice was particularly widespread in the Shan, Kayah, and Karen States and in areas of Mon State, and Pegu Division. In these areas, thousands of civilian villagers were displaced from their traditional villages, which often were burned to the ground and moved into settlements tightly controlled by SPDC troops in strategic areas. In other cases, villagers who fled or were driven from their homes, found shelter in the forest, frequently in heavily mined areas without adequate food, security, or basic medical care.

The forced relocations often generated large refugee flows to neighboring countries or to parts of the country not controlled by the regime. In some areas, the junta replaced the original ethnic settlements with settlements of ethnic Burmans. In 2000 in Rakhine State, the regime forcibly relocated several largely Muslim villages and resettled the area with Buddhist Burmans, who were forced to move from Dagon township in Rangoon division. In other areas, army units forced or attempted to force ethnic Karen to relocate to areas controlled by the proregime Democratic Karen Buddhist Army (DKBA).

Military units also routinely confiscated livestock, fuel, food supplies, fishponds, alcoholic drinks, vehicles, or money. Such abuses have become widespread since 1997, when the junta ordered its regional commanders to meet their logistical needs locally, rather than rely on the central authorities. As a result, regional commanders increased their use of forced contributions of money, food, labor, and building materials throughout the country (see Sections 1.c. and 6.c.).

In violation of humanitarian law, both army and insurgent units used forced conscription, including conscription of children (see Sections 1.g. and 6.c.).

Government employees generally were prohibited from joining or supporting political parties; however, this proscription was applied selectively. In the case of the regime's mass mobilization organization, the Union Solidarity and Development Association (USDA), the regime used coercion and intimidation to induce many persons, including nearly all public sector employees, both to join the union and to attend meetings in support of the regime (see Section 2.a.).

In the past, government officials, including senior officials, repeatedly made statements warning parents that authorities could hold them responsible for any political offenses committed by their children; however, there were no reports of this practice during the year.

The regime's intelligence services also monitored the movements of foreigners and questioned citizens about conversations with foreigners. Government employees generally were required to obtain advance permission before meeting with foreigners. During the year, international NGOs officially were required to ensure that a representative from a government ministry accompanied them on all field visits (at the NGOs' expense). However, the requirement appeared impractical and was not enforced fully (see Section 4).

Marriages between female citizens and foreigners officially were banned; however, the ban was not enforced.

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Since independence in 1948, SPDC troops have battled a variety of ethnic insurgencies. Ethnic insurgent groups have sought to gain greater autonomy or, in some cases, independence from the ethnic Burman-dominated State. Since 1989, 17 groups have concluded cease-fire agreements with the regime. Under the agreements, the groups have retained their own armed forces and performed some administrative functions within specified territories inhabited chiefly by members of their ethnic groups. However, a few groups remained in active revolt. The KNU continued to conduct insurgent operations in areas with significant Karen populations in the eastern and southern regions of the country. In Kayah State, the KNPP resumed fighting against the regime since the breakdown of a cease-fire negotiated in 1995.

In May the SHRF and Shan Women's Action Network (SWAN) alleged the military used rape as a systematic weapon of war against the ethnic populations in Shan State. The report described 173 incidents of rape or sexual violence against 625 women and girls committed by soldiers from 52 military battalions between 1992 and 2001. Given the brutality of the rapes, (the report stated that 25 percent of the rapes resulted in death), the incidence of rapes by officers (83 percent), and the impunity with which they were carried out, the report concluded that the rapes were condoned by the military regime in order to terrorize and subjugate the Shan. There were corroborating reports on rapes and sexual violence, by the military in Shan State and elsewhere, including first hand accounts from rape victims documented by credible foreign observers. According to a report by Refugees International, rape of ethnic women by the SPDC troops similarly was prevalent in Karen, Mon, and Karenni regions.

The SPDC denied the report and ordered three internal reviews. In August the junta claimed that no soldiers were involved in the rapes. In October the regime stated it continued to investigate the allegations and had found evidence of five cases of rape similar to those described in the SHRF/SWAN report. The regime stated it provided copies of its report on the investigations to the international community and to the U.N. Special Rapporteur, Paulo Sergio Pinheiro. However, according to Pinheiro, the investigations were undertaken by military and other SPDC personnel with no special skills or experience in investigating human rights allegations. The investigations reportedly consisted of prearranged, large, collective, and public meetings with local officials, organized by military personnel. There has been continued international pressure on the regime to allow an independent assessment of the allegations and to take appropriate actions to prevent rape and sexual abuses by the military.

In central and southern Shan State, government forces continued to engage the SSA. The military maintained a program of forced relocation of villagers in that region to SPDC-controlled sites, that reportedly was accompanied by killings, rapes, and other abuses of civilian villagers. According to AI, 90 percent of the civilians from Shan State whom it interviewed in Thailand in February said they had been subjected to unpaid forced labor by the military within the last 18 months.

Border disputes with Thailand during the year exacerbated the plight of civilian populations along the Thailand border (see Sections 2.d and 6.c.).

In January 2001, according to a credible but not independently confirmed report, in Murng-Nai, military troops beat to death a Palaung villager, raped his wife, and stole his property. In March 2001, according to the SHRF, SPDC troops gang-raped a woman in Murng-Ton township after troops had tortured and killed her uncle. Also according to the SHRF, in April 2001, SPDC soldiers encountered four villagers near Naa Ing, Shan State. The soldiers found packets of rice, which they claimed the villagers were going to give to the SSA. The soldiers tied up the men and took the woman to a different location, where they reportedly raped her. They then reportedly required the villagers in the area to pay a substantial fine for the release of the four persons.

According to Human Rights Watch (HRW), SPDC troops conscripted children as young as the age of 11,

especially orphans and street children (see Section 5).

Active insurgent groups included the Chin National Front, the Naga National Council, the Arakan-Rohingya Solidarity Organization (ARNO), the SSA-South, and the KNU (including its affiliate the Karen National Liberation Army). Some members of the insurgent groups committed serious abuses. For example, according to the regime, in December 2001, the KNPP killed seven villagers who refused to join their ranks in Loikaw township. The regime also accused the KNU and the SSA of killings and bombings throughout Shan and Karen States and of recruiting and using child soldiers. UNICEF, AI, and HRW reported that both SPDC troops and insurgent groups recruited child soldiers (see Section 5).

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law allows the regime to restrict freedom of speech and freedom of the press and, in practice the junta continued to restrict these freedoms severely and systematically during the year. The regime continued to arrest, detain, convict, and imprison citizens for expressing political opinions critical of the junta, and for distributing or possessing publications in which opposition opinions were expressed (see Sections 1.d. and 1.e.). Security services also monitored and harassed persons believed to hold such political opinions.

Legal restrictions on freedom of speech have intensified since 1996, when the junta issued a decree prohibiting speeches or statements that "undermine national stability." In all regions of the country, the regime continued to use force to prohibit virtually all public speech critical of it by all persons, including persons elected to Parliament in 1990, and by leaders of political parties. The regime has pursued this policy consistently since 1990, with few exceptions.

There was an unconfirmed report from the Democratic Voice of Burma that in August 2001, military security personnel arrested a monk for delivering a sermon criticizing the economic and political conditions in the country during a ceremony at the Mahamyatmuni Payagyi Pagoda in Mandalay. The monk, Ashin Pandita, reportedly was derobed and detained at the police station. No additional information was available at year's end.

The regime permitted the NLD to resume some public meetings during the year. In keeping with the confidence-building that has surrounded the talks between the regime and Aung San Suu Kyi, the NLD moderated its criticism of the regime in these meetings. The NLD continued to press for substantive dialog with the regime as quickly as possible, and has refrained from any direct attacks on the policies or actions of the regime.

Many prominent writers and journalists remained in prison for expressing their political views. The Paris-based organization Reporters Sans Frontieres reported that at least 18 journalists remained in prison at year's end, including Ohn Kyaing, better known by his pen name Aung Wint, who wrote articles in favor of democracy and also was a NLD M.P., elect from Mandalay. He has been in prison since 1990. Government censorship boards prohibited publication or distribution of works authored by those in prison, although in 2000 the regime allowed former political prisoners Ma Thida and U Sein Myint (also known as U Moe Thu), to write several magazine articles following their release from prison. In 2001 at least one well-known publisher, Tin Maung Than, departed the country for fear that his activities would lead to imprisonment.

Between April and June 2000, the junta arrested 11 persons for distributing antijunta leaflets and allegedly planning attacks on government buildings. In September 2000, the junta sentenced Chein Poh, a highly respected, 77-year-old lawyer in Rangoon, for allegedly distributing foreign publications with antiregime annotations written on the back. Although the regime presented no credible evidence to prove the charge, Chein Poh was sentenced to 14 years in prison. Chein Poh was released from prison early in the year and died approximately 6 months later.

The regime owned and controlled all daily newspapers and domestic radio and television broadcasting facilities. These official media remained propaganda organs of the junta and normally did not report opposing views except to criticize them. The only partial exception was the Myanmar Times, an expensive English-language weekly newspaper, targeted at the foreign community in Rangoon, which occasionally reported on criticisms of regime policies by the U.N. and other organizations.

All privately owned publications, including the Myanmar Times, remained subject to prepublication censorship by state censorship boards. Due in part to the time required to obtain the approval of the censors, private news periodicals generally were published monthly. However, since 1996 the regime has given transferable waivers of prepublication censorship for weekly periodicals. As a result, weekly tabloids proliferated. Regime controls

encouraged self-censorship, and publications generally did not report domestic political news.

Imported publications remained subject in principle to predistribution censorship by state censorship boards, and possession of publications not approved by the state censorship boards remained a serious offense. Cases involving prodemocracy literature, including two such cases during the year, were punished by imprisonment. The regime also restricted the legal importation of foreign news periodicals and discouraged subscriptions to foreign periodicals. However, foreign newspapers may be purchased in Rangoon. Prior to August 2000, such foreign newspapers and magazines were censored regularly at the airport on arrival, but starting in 2001 they were distributed uncensored.

Since 1997 the regime issued few visas to foreign journalists and has held only a handful of press conferences on political subjects. Journalists occasionally were blacklisted. In previous years, several journalists who entered the country as tourists were detained and deported by the regime. During the year, the regime began holding more frequent press conferences and invited foreign journalists to the country, including some who previously were blacklisted. Cable News Network, the British Broadcasting Corporation (BBC), and other foreign news organizations filed reports from the country during the year. However, the regime refused visas to Australian reporters seeking to cover Australian Foreign Minister Downer's visit to the country in October.

Due to widespread poverty, limited literacy, and poor infrastructure, radio remained the most important medium of mass communication. News periodicals rarely circulated outside urban areas. The junta continued to monopolize and control the content of the two domestic radio stations. Foreign radio broadcasts, such as those of the BBC, Voice of America, Radio Free Asia, and the Democratic Voice of Burma, remained the principal sources of uncensored information.

The regime continued to monopolize and to control tightly all domestic television broadcasting, offering only a government channel and an armed forces channel. However, in 2001 the regime loosened restrictions on the reception of foreign satellite television broadcasts by allowing new licenses to be purchased. Previously, new licenses were not available and the operation of an unlicensed satellite television receiver was a crime punishable by up to 3 years in prison and or a fine. The Television and Video Law makes it a criminal offense to publish, distribute, or possess a videotape not approved by a state censorship board.

The junta systematically restricted access to electronic media. All computers, software, and associated telecommunications devices were subject to government registration, and possession of unregistered equipment was punishable by imprisonment (see Section 1.f.).

The Ministry of Defense operated the country's only known Internet server and offered expensive, limited Internet services to a small number of customers. During the year, a café that was billed as a cybercafé opened, but it did not have access to the Internet, only CD-ROM and other such games.

The regime continued to restrict academic freedom severely. University teachers and professors remained subject to the same restrictions on freedom of speech, political activities, and publications as other government employees. The Ministry of Higher Education routinely warned teachers against criticizing the regime. It also instructed them not to discuss politics while at work; prohibited them from joining or supporting political parties or from engaging in political activity; and required them to obtain advance ministerial approval for meetings with foreigners. Like all government employees, professors and teachers have been coerced into joining the USDA, the regime's mass mobilization organization. Teachers at all levels also continued to be held responsible for the political activities of their students.

In June and July 2000, the regime reopened the remainder of the institutions of higher education that were closed in 1996 following widespread student demonstrations. However, the regime took a number of special measures to limit the possibility of student unrest. Campuses were moved to relatively remote areas, teachers and students were warned that disturbances would be dealt with severely, and on-campus dormitories were closed, which disrupted university life. There was evidence that many students chose to continue with self-study because the quality of education deteriorated to such an extent that many students opted to stay with self-study or tutoring. The regime tightly controlled the limited number of private academic institutions in the country as well as what they were allowed to teach.

#### b. Freedom of Peaceful Assembly and Association

The law limits the freedom of assembly, and the regime restricted it in practice. An ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although the ordinance was not enforced consistently. The 10 existing political parties also are required to request permission from the regime to hold meetings of their

members; nevertheless, meetings occurred without regime permission.

The military junta continued its decade-long policy of preventing the Parliament elected in 1990 from convening. During the year, the regime loosened its restrictions on the activities of the main opposition party, the NLD, and allowed 90 of NLD's 300 offices to reopen (see Section 3).

In May and September 2001, the regime forced the closure of three Shan National League for Democracy (SNLD) offices in townships near the capital of Shan State. In September 2001, the regime reportedly told the SNLD Chairman to disregard the regional authority's directive and to continue with normal operations.

In previous years, authorities used force to prevent prodemocracy demonstrations, punish participants and organizers in prodemocracy demonstrations and meetings, and detained or imprisoned persons suspected of planning and organizing such demonstrations. During the year, there were no reports of such practices (see Section 1.c.). However, authorities did attempt to prevent the public from coming out to see Aung San Suu Kyi when she traveled to Rakhine State, ostensibly on the grounds that outdoor political gatherings of any type were illegal. Organizations affiliated with the SPDC handed out leaflets that questioned Aung San Suu Kyi's patriotism and discouraged citizens from showing any support for her. The authorities blocked off streets and told citizens to stay home. Her party experienced similar, though less pronounced, harassment on visits to Mon and Shan States during the year (see Section 2.d.).

The regime at times interfered with the assembly of religious group members (see Section 2.c.).

The Government restricted freedom of association, particularly in regard to members of the main opposition political party, the NLD. The law prohibits more than 5 persons from meeting outdoors without prior government approval. In the past, while the regime allowed the NLD to celebrate certain key party events with public gatherings, it restricted the size of the gatherings and the individuals who were allowed to attend. For example, in September 2001, the NLD held a ceremony to commemorate the third anniversary of the CRPP and the regime responded with Military Intelligence (MI) personnel surrounding NLD headquarters. In 2000 the regime prevented Aung San Suu Kyi from traveling to Rangoon to attend party meetings. During the year, the regime lifted most of these restrictions on NLD activities but, through mutual agreement, the NLD attempted to avoid large gatherings in order not to alarm the regime.

Since the initiation of talks between Aung San Suu Kyi and the junta in October 2000, there have been no reports of coerced resignations or recall motions. The regime-controlled media ceased its campaign against the NLD, and the regime loosened some restrictions on NLD party activity.

In general the right of association existed only for government-approved organizations, including trade associations and professional bodies, such as the Forest Reserve Environment Development and Conservation Association. Few secular, nonprofit organizations existed, and those that did took special care to act in accordance with government policy. There were 10 legal political parties but most were moribund.

#### c. Freedom of Religion

The 1974 Constitution permits restrictions on religious freedom, stating that "the national races shall enjoy the freedom to profess their religion... provided that the enjoyment of any such freedom does not offend the laws or the public interest." Most religious adherents duly registered with the authorities generally were free to worship as they chose; however, the regime imposed restrictions on certain religious activities. In practice the regime restricted efforts by Buddhist clergy to promote human rights and political freedom, and coercively promoted Buddhism over other religions in some ethnic minority areas.

The regime's pervasive internal security apparatus sought to infiltrate or monitor meetings and activities of virtually all organizations, including religious organizations. Religious activities and organizations also were subject to restrictions on freedom of expression and association. In addition, the regime controlled and censored all publications, including religious publications (see Section 2.a.).

Although a government directive exempts "genuine" religious organizations from registration, in practice only registered organizations were allowed to buy or sell property or open bank accounts. In addition, the regime provided some utilities at preferential rates to recognized religions. There was no official state religion; however, the regime continued to show preference for Theravada Buddhism, the majority religion. For example, the regime funded the construction of the International Theravada Buddhist Missionary University in Rangoon. State-controlled news media frequently depicted junta members paying homage to Buddhist monks; making donations at pagodas

throughout the country; officiating at ceremonies to open, improve, restore, or maintain pagodas; and organizing ostensibly voluntary "people's donations" of money, food, and uncompensated labor to build or refurbish Buddhist religious shrines. Buddhist doctrine remained part of the state-mandated curriculum in all elementary schools; however, individual children generally were permitted to choose not to receive instruction in Buddhism. There continued to be widespread reports that regime officials compelled both Buddhists and non-Buddhists to contribute money, food, or uncompensated labor to state-sponsored projects to build, renovate, or maintain Buddhist religious shrines or monuments. However, there were no known reports of forcing persons to build pagodas during the year.

The regime has attempted to control the Buddhist clergy ("sangha"). The regime authorized military commanders to try members of the sangha before military tribunals for "activities inconsistent with and detrimental to Buddhism," and imposed on the sangha a code of conduct that was enforced by criminal penalties. The junta also subjected the sangha to special restrictions on freedom of expression and freedom of association (see Section 2.a.). The military junta prohibited any organization of the sangha other than nine state-recognized monastic orders under the authority of the State Clergy Coordination Committee ("Sangha Maha Nayaka Committee," SMNC). The regime prohibited all religious clergy from being members of any political party.

The regime continued to restrict the building activities, education, and proselytizing of minority religious groups.

Christian groups continued to have difficulties in obtaining permission to build new churches. The regime reportedly denied permission for churches to be built along main roads in cities such as Myitkina, the capital of Kachin State. In 2001 in Rangoon, authorities closed more than 80 home-churches because their operators did not have proper authorizations to hold religious meetings. There were no reports of authorities closing home-churches this year.

Muslims reported that they essentially were banned from constructing any new mosques during the year. Early in 2001, local authorities in Rakhine State scheduled approximately 40 mosques for destruction because reportedly they were built without permission. Thirteen mosques were destroyed before the authorities intervened at the request of the UNHCR. To ensure mosques were not rebuilt, they were replaced with government owned buildings, monasteries, and Buddhist temples.

In most regions of the country, Christian and Muslim groups that sought to build small churches or mosques on side streets or other inconspicuous locations at times usually were able to proceed, but only based on informal approval from local authorities. These groups reported that formal requests encountered long delays and generally were denied.

The Government discriminated against non-Buddhists at upper levels of the public sector. Only one non-Buddhist served in the Government at the ministerial level, and the same person, a Brigadier General, was the only non-Buddhist known to have held flag rank in the armed forces since the 1990s. The regime actively discouraged Muslims from entering military service, and Christian or Muslim military officers who aspired to promotion beyond the middle ranks were encouraged by their superiors to convert to Buddhism. In some ethnic minority areas, such as Chin State, there were reports that SPDC troops offered financial and career incentives for Burman soldiers to marry Chin women, teach them Burmese, and convert them to Buddhism.

The regime discourages proselytizing by all clergy. Evangelizing religions, like Christianity and Islam, are most affected by these restrictions. In general the regime has not allowed permanent foreign religious missions to operate in the country since the mid-1960s, when it expelled nearly all foreign missionaries and nationalized all private schools and hospitals.

Religious publications, like secular ones, remained subject to control and censorship (see Section 2.a.). Translations of the Bible and Koran into indigenous languages could not be imported legally; with the regime's permission, Bibles in indigenous languages were allowed to be printed locally.

In the past, there were credible reports that in Karen State's Pa'an township, SPDC units repeatedly conscripted young men as porters who were leaving Sunday worship services at some Christian churches, which caused them to avoid church attendance. Soldiers led by officers repeatedly disrupted Christian worship services and celebrations. In 2000 local government officials reportedly ordered Christian Chins to attend sermons by newly arrived Buddhist monks who disparaged Christianity. In addition, there were reports that Christian Chins were pressured to attend Buddhist seminaries and monasteries and were encouraged to convert to Buddhism. Local government officials reportedly separated the children of Chin Christians from their parents under the pretense of providing them free secular education, and lodged the children in Buddhist monasteries in which they were instructed in and converted to Buddhism without their parents' knowledge or consent. Reports suggested that the

regime sought to induce members of the Naga ethnic group to convert to Buddhism by means similar to those it used to convert members of the Chin to Buddhism.

Religious affiliation at times was indicated on government-issued identification cards that citizens and permanent residents of the country are required to carry. There appeared to be no consistent criteria governing whether a person's religion is indicated on his or her identification card. Citizens also are required to indicate their religions on some official application forms, such as passports.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The regime restricted freedom of movement. Most citizens were able to travel within the country, although their movements were monitored and they were required to notify local officials of their whereabouts (see Section 1.f.). Movement was limited in areas of armed conflict. Urban and rural residents were subjected to relocation.

In past years, the freedom of movement of opposition political leaders also was curtailed rigorously. Between 1995 and 2000, the junta allowed NLD general secretary Aung San Suu Kyi to travel outside the capital only once, on a visit to a monastery, and until May 6, she remained under house detention. While the Government has relaxed restrictions on Aung San Suu Kyi, generally allowing her freedom of movement and association, some restrictions remained. Since her release from house detention in May, Aung San Suu Kyi has traveled to Mon, Shan, and Rakhine States, as well as to Mandalay, Magwe, and Irrawaddy divisions. Although she generally was allowed to meet with international visitors, including the foreign ministers of Japan and Australia, the Government did not allow either Malaysia's Prime Minister Mahathir or the Malaysian Foreign Minister to call on her when they visited in August. Aung San Suu Kyi and her party also were harassed by government-affiliated groups on some of her visits to various regions of the country (see Section 2.b.). During the year, the regime loosened travel restrictions on all NLD members including the most senior members. NLD M.P.'s elect who were released from prison were able to travel between their electoral districts and Rangoon to coordinate with NLD leaders.

During the year, the regime reportedly implemented policies to consolidate the border with Bangladesh and to further control the movement of Muslim Rohingyas in Rakhine State (see Section 6.c).

The regime refused to accept Burmese deportees from other countries, but accepted the return of approximately 4,000 illegal migrants from Thailand. The regime allegedly refused to document Burmese seafarers who were stranded abroad due to the sinking of their ship or bankruptcy of the ship owners.

The regime also carefully scrutinized prospective travel abroad. Such control facilitated rampant corruption, as many applicants were forced to pay large bribes. Bribes for passports were sometimes as high as \$3,000 (approximately 3.6 million kyat), the equivalent of more than 10 years' salary for the average citizen. The official board that reviews passport applications has denied passports on political grounds. All college graduates who obtained a passport (except for certain government employees) were required to pay a special fee to reimburse the regime for the cost of their education. Citizens who emigrated legally generally were allowed to return to visit relatives, and some who lived abroad illegally and acquired foreign citizenship also were able to return.

Residents unable to meet the provisions of the citizenship law, such as ethnic Chinese, Arakanese, Muslims, and others, must obtain prior permission to travel internally. Since the mid-1990s, the Government also has restricted the issuance of passports to female citizens (see Sections 5 and 6.f.).

The regime prohibited foreign diplomats and foreign employees of U.N. agencies based in Rangoon from traveling outside the capital without advance permission. All residents, foreign and local, were required to apply for authorization to leave the country.

Restrictions on foreign travelers to the country were eased as part of an effort to promote tourism. Burmese embassies now generally issue tourist visas, valid for 1 month, within 24 hours of application. However, certain categories of applicants, such as foreign human rights advocates, journalists, and political figures were denied entry visas regularly unless traveling under the aegis of a sponsor acceptable to the regime and for purposes approved by the Government.

There was a large number of internally displaced persons (IDPs) in the country. NGOs based in Thailand estimated that the regime moved forcibly more than 250,000 citizens from their villages and districts to live near or along the Thai border (see Section 5). These NGO estimated that more than 350,000 IDPs resided in SPDC

relocation sites.

During the year, the military continued to abuse thousands of villagers and drove them from their homes, including during the course of military campaigns in Karen, Kayah, and Shan States (see Section 1.f.). In January AI reported that a 75-year-old Shan man said that he and his family fled to Thailand after SPDC troops and United Wa State Army (UWSA) troops confiscated all their land, arrested villagers, looted homes, raped numerous women, and drove them out of their village. He reported that between 500 to 600 UWSA troops occupied the area, and that he received no compensation for the loss of his woodlands, orchards, or fields.

Ethnic minority areas previously affected by conflict, such as the large Karen areas of Irrawaddy division, experienced tighter controls on personal movement, including more frequent military checkpoints, closer monitoring by military intelligence, and larger military garrisons. "Informal taxes", or bribes, were extracted from all nationalities at checkpoints in border areas. In Rakhine State, many controls and checkpoints applied only to the Muslim population (see Section 5).

Harassment, fear of repression, and deteriorating socio-economic conditions continued to force many citizens into neighboring countries and beyond. In the border regions populated by minority ethnic groups, the regime continued its policies of forced labor, confiscation of lands, compulsory contributions of food, and forced relocations. These policies produced thousands of refugees in neighboring countries such as Thailand, China, and India. One report from Kachin State alleged that in May 2001, 3,000 Naga villagers fled the country into northeastern India when SPDC troops launched an offensive against Naga separatists. The security forces reportedly burned villages and laid landmines to discourage villagers from returning. Harsh conditions in Shan State compelled an exodus to Thailand, with unconfirmed estimates that approximately 10,000 Shan citizens may have relocated there during the year (see Section 1.f.). There were approximately 150,000 persons in refugee camps on the country's borders. Of these at least 135,000 Karen, Mon, and Karenni resided in refugee camps in Thailand. In addition, there were tens of thousands of Shan refugees in Thailand not living in camps. On the country's western border, 22,000 Rohingya Muslims remained in refugee camps in Bangladesh (see Section 5). More than 100,000 Rohingyas lived outside the refugee camps in Rakhine State with no formal documentation as refugees. In addition, Rohingyas who have returned to Rakhine State claimed that they faced government restrictions on their ability to travel and to engage in economic activity.

The regime did not allow refugees or displaced persons from abroad to resettle or seek safe haven in the country and has not formulated a policy regarding refugees, asylum, or first asylum. There were no reports that persons formally sought asylum in the country during the year. There were no reports of forced repatriation.

### Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens did not have the right to change their government. The junta continued to prevent the Parliament elected in 1990 from convening.

Since 1962 active duty military officers have occupied most important positions in both the central Government and in local governments. Since 1988 a military junta has held all state power. All members of the regime have been military officers on active duty, and the junta has placed military or retired military officers in most key senior-level positions in all ministries. At year's end, active duty or retired military officers occupied 37 of the 39 ministerial-level positions.

Following the NLD's victory in the 1990 elections, the military junta refused to implement the election results and disqualified, detained, or imprisoned many successful candidates (see Sections 1.d. and 1.e.). Many other M.P.s elect fled the country. Following an aborted effort from 1993-96 to draft a new constitution assigning the military the dominant role in the country political structure, the military junta continued its systematic use of coercion and intimidation to deny citizens the right to change their government.

In September 1998, the NLD leadership organized a CRPP on the basis of written delegations of authority from a majority of the surviving members elect of the 1990 Parliament, in view of the junta's refusal to allow the entire Parliament to convene. The committee was empowered to act on behalf of the Parliament until the Parliament was convened. In retaliation the junta launched a sustained and systematic campaign to destroy the NLD without formally banning it; the authorities pressured many thousands of NLD members and local officials to resign and closed party offices throughout the country. Military intelligence officials also detained more than 200 members elect of Parliament in 1998. At year's end, a total of 19 M.P.s elect remained in prison. According to AAPP, two of these M.P.s elect have been in prison since 1990 (see Section 1.d.).

In October 1999, the Multiparty Democracy General Election Commission announced, that of 392 NLD members

elected to Parliament in 1990, only 92 remained both NLD members and M.P.s elect. It claimed that 105 had resigned their parliamentary status, 139 had been disqualified by the commission, 27 had resigned from the NLD, and 31 had died. In contrast, in September 2000, the CRPP claimed to enjoy the support of 433 of the 485 members elect of Parliament.

Late in 2000, with encouragement from the U.N. Special Envoy Razali Ismail, the regime initiated talks with Aung San Suu Kyi that produced some relaxation in the restrictions on the NLD. In subsequent years, the NLD was able to resume some normal party activities. Press attacks on the NLD and Aung San Suu Kyi also ceased. However, since 2000, the regime has not opened a substantive dialog with the NLD and still held more than a 1,000 political prisoners at year's end.

Women were excluded from military leadership. There were no female members of the regime, ministers, or Supreme Court judges.

Members of certain minority groups also were denied full citizenship and a role in government and politics (see Section 5).

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not allow domestic human rights organizations to function independently, and it remained generally hostile to outside scrutiny of its human rights record.

The regime's restriction on travel by foreign journalists, NGO staff, U.N. agency staff, and diplomats; its monitoring of the movements of such foreigners; its frequent interrogation of citizens concerning contacts with foreigners; its restrictions on the freedom of expression and association of citizens; and its practice of arresting citizens who passed information about government human rights abuses to foreigners all impeded efforts to collect or investigate information regarding human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified with certainty.

There were approximately 25 nonpolitical, international humanitarian NGOs working in the country. A few others have established a provisional presence while undertaking the protracted negotiations necessary to establish permanent operations in the country. Beginning in 2001, international NGOs sometimes were required to have a government ministry representative accompany them on all field visits, at the NGOs expense (see Section 1.f.).

The regime permitted the U.N. Special Rapporteur, Paulo Sergio Pinheiro, to visit the country three times during the year. In his reports, Pinheiro cited instances of positive change and pledged to work with the regime, the opposition, members of civil society, and the international community to promote human rights in the country. He also cited problems, including the denial of fundamental freedoms of assembly, association, expression, and movement, and encouraged the regime to correct these deficiencies. He also called for the release of all political detainees. In addition, he cited "the gross violations of human rights of civilians" living in areas of conflict in eastern Karen and Kayah States, southern Shan State, northern Sagaing division, Rakhine, and Chin States.

In 2001 the regime announced the creation of a Human Rights Committee, chaired by the Minister of Home Affairs and including the Chief of Police as one of the members. Several human rights workshops that targeted abuses and were sponsored by the Australian Government were held in Rangoon.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The military junta continued to rule by decree and was not bound by any constitutional provisions concerning discrimination.

##### Women

Domestic violence against women, including spousal abuse, appeared to be relatively infrequent, although there was little data available. The regime did not release statistics regarding spousal abuse or domestic violence. Married couples often lived in households with extended families, where social pressure tended to protect the wife from abuse.

Rape is illegal; however, spousal rape is not a crime unless the wife is under 12 years of age. The regime stated that rape was not common in populous urban areas but occurred more often in remote areas. The Government did not release statistics regarding rape.

Prostitution is prohibited by law and punishable by 3 years in prison; however, it was becoming an increasing problem, particularly in some of Rangoon's "border towns" and "new towns," which were populated chiefly by poor families that were relocated forcibly from older areas of the capital. There were credible reports that a large number of female prostitutes were imprisoned and often subjected to abuse while incarcerated. One estimate put the number of women detained for prostitution at 400 at any given time in Mandalay prison alone.

There were no laws against sexual harassment.

In general women traditionally enjoyed a high social and economic status and exercised most of the same basic rights as men. Consistent with traditional culture, women kept their names after marriage and often controlled family finances. However, women remained underrepresented in most traditional male occupations, and women continued to be barred effectively from a few professions, including the military officer corps. Poverty, which was widespread in rural areas, affected women disproportionately. Women did not receive equal pay for equal work on a consistent basis. Women legally were entitled to receive up to 26 weeks of maternity benefits; however, in practice these benefits often were not accorded them.

There were no independent women's rights organizations. The National Committee for Women's Affairs in the Ministry of Social Welfare was responsible for safeguarding women's interests. The Government and at least one international NGO operated schools and other rehabilitation programs for former prostitutes. The Myanmar Maternal and Child Welfare Association, a government-controlled agency, provided assistance to mothers. A professional society for businesswomen, the Myanmar Women Entrepreneurs' Association, provided loans to women starting new businesses.

#### Children

The regime continued to allocate minimal resources to public education. According to the latest available statistics, government expenditures for all civilian education were equivalent to less than 1 percent of gross domestic product (GDP) during the year and have declined by more than 70 percent in real terms since 1990. According to government studies conducted with U.N. assistance, only 37 percent of children finished fourth grade in urban areas and only 22 percent did so in rural areas. Rates of school attendance and educational attainment decreased during the year, largely due to rising formal and informal school fees as the junta diverted expenditures from health and education to the armed forces. On average teacher's pay was equal only to approximately \$7.00 (10,000 kyats) a month, far below subsistence wages and has forced many teachers to quit teaching out of economic necessity. Only relatively prosperous families were able to afford to send their children to school, even at the primary level. In ethnic minority areas, the regime often banned teaching in local languages. In some areas where few families were able to afford unofficial payments to teachers, teachers generally no longer came to work and schools no longer functioned. In response to government neglect, private institutions began to provide assistance in education, despite an official monopoly on education.

Children also suffered greatly from the junta's severe and worsening neglect of health care. The junta cut government expenditures on public health care even more sharply than it cut spending for education. Government expenditures for civilian health care in 1998-99 were equivalent to only 0.3 percent of GDP. Government studies sponsored by U.N. agencies in 1997 found that, on average, 131 of 1,000 children died before reaching the age of 5 years, and that only 1 out of 20 births in rural areas was attended by a doctor. Those same studies indicated that, among children under 3 years of age, 37 percent were malnourished, and 13 percent were malnourished severely. The World Health Organization considered the country's health care system to be extremely poor.

Child abuse is prohibited by law. The Government stated that child abuse was not a significant problem; however, the regime did not release supporting statistics.

Child prostitution and trafficking in girls for the purpose of prostitution--especially Shan girls who were sent or lured to Thailand--continued to be a major problem (see Section 6.f.).

The official age of enlistment in the ostensibly all-volunteer army is 18 years. However, the authorities reportedly rounded up orphans and street children in Rangoon and other cities and forced them into military service. An October HRW report entitled *My Gun Was As Tall As Me*, alleged widespread forced conscription of children into the SPDC army, and, to a lesser extent, into armed groups fighting against the regime (see Section 6.c.).

Several international NGOs and agencies promoted the rights of children in the country, including World Vision, Save the Children UK, CARE, UNICEF, UNDP, and foreign governments.

#### Persons with Disabilities

In principle official assistance to persons with disabilities includes two-thirds of pay for up to 1 year of a temporary disability and a tax-free stipend for permanent disability; however, in practice assistance was limited severely. There was no law mandating accessibility to buildings, public transportation, or government facilities. While there were several small-scale organizations to assist persons with disabilities, most must rely on their families to provide for their welfare. Military veterans with disabilities received available benefits on a priority basis. Because of landmine detonations, there were a large number of amputees in the country.

#### National/Racial/Ethnic Minorities

Wide-ranging governmental and societal discrimination against minorities persisted. Animosities between the country's many ethnic minorities and the Burman majority, which has dominated the Government and the armed forces since independence, continued to fuel active conflict that resulted in serious abuses during the year. These abuses included reported killings, beatings, torture, forced labor, forced relocations, and rapes of Chin, Karen, Karenni, and Shan by SPDC soldiers and the armed ethnic groups (see Sections 1.a., 1.c., 1.f., and 1.g.).

The Government continued to discriminate systematically against non-Burmans. Because the regime reserved secondary state schools for citizens, Rohingya Muslims did not have access to state run schools beyond primary education and were ineligible for most civil service positions.

There were reports that forced labor of Muslims occurred in Rakhine State (see Section 6.c.)

Since only persons who were able to prove long familial links to the country were accorded full citizenship, nonindigenous ethnic populations (such as Chinese, Indians, and Rohingya Muslims) were denied full citizenship and were excluded from government positions. Members of the Rohingya Muslim minority in Rakhine State, on the country's western coast, continued to experience severe legal, economic, and social discrimination. The Government denied citizenship status to most Rohingyas on the grounds that their ancestors did not reside in the country at the start of British colonial rule in 1824, as required by the country's highly restrictive citizenship law. Persons without full citizenship faced restrictions in domestic travel (see Section 2.d.). They also were barred from certain advanced university programs in medicine and technological fields.

Ethnic minority groups generally used their own languages. However, throughout all parts of the country controlled by the regime, including ethnic minority areas, Burmese remained the language of instruction in state schools. Even in ethnic minority areas, most primary and secondary state schools did not offer instruction in the local ethnic minority language. There were very few domestic publications in indigenous minority languages.

There were reports that the junta resettled groups of Burmans in various ethnic minority areas (see Section 1.f.). There were ethnic tensions between Burmans and nonindigenous ethnic populations, including Indians, many of whom were Muslims, and a rapidly growing population of Chinese, most of whom immigrated from Yunnan Province and increasingly dominated the economy of the northern part of the country. Both groups tended to be more commercially oriented and hence more prosperous and economically powerful than Burmans.

#### Section 6 Worker Rights

##### a. The Right of Association

The 1926 Trade Unions Act, which remained in effect, permits workers to form trade unions only with the prior consent of the Government; however, no free trade unions existed in the country, and the junta dissolved even the government-controlled union that existed before 1988.

In June 2001, the Committee on the Application of Convention and Recommendations of the International Labor Conference once again expressed profound regret regarding the persistence of serious discrepancies between the law and practice with respect to freedom of association. The committee criticized the regime for not implementing the provisions of the ILO Convention 87 on Freedom of Association and Protection of the Right to Organize, which the Government ratified in 1955. In 2001 a government representative testified to the committee that the Trade Unions Law was being revised, but that he could not provide the draft text at that time.

The International Confederation of Free Trade Unions (ICFTU) reported that in August, army troops killed an official of the Free Trade Union of Burma (the Kawthoolei Education Workers Union). U Saw Mya Than, a village headman who was widely known for his trade union activities, forcibly was recruited as a porter by the army and then killed in retaliation for an attack by opposition forces.

No unions in the country were affiliated internationally. The Government forbade seafarers who found work on foreign vessels through the Seafarers Employment Control Division from contacts with the International Transport Workers' Federation and the regime often refused to document seafarers who were stranded abroad (see Section 2.d.).

#### b. The Right to Organize and Bargain Collectively

Workers did not have the right to organize and bargain collectively. The government's Central Arbitration Board, which once provided a means for settling major labor disputes, has been dormant since 1988. Township-level labor supervisory committees existed to address minor labor concerns.

The regime unilaterally set wages in the public sector. In the private sector, market forces generally set wages. However, the regime has pressured joint ventures not to pay salaries greater than those of ministers or other senior government employees. Some joint ventures circumvented this with supplemental pay or special incentive systems. Foreign firms generally set wages near those of the domestic private sector but followed the example of joint ventures in awarding supplemental wages and benefits.

According to the law, workers generally are prohibited from striking, although a small number of workers purportedly are accorded the right to strike. The last reported strike was in 2000, when an employer retracted a promise to pay piece rates. Subsequently 30 employees were detained, many for up to 3 months. All employees lost their jobs.

There were no export processing zones (EPZs). However, there were special military-owned industrial parks, such as Pyin-Ma-Bin, near Rangoon, which attracted foreign investors. Another example was the 2,000-acre Hlaingthaya Industrial Zone in Rangoon; at least four companies were known to operate on its premises (see Section 6.c.).

#### c. Prohibition of Forced or Bonded Labor

Forced or bonded labor remained a widespread and serious problem. Although the Penal Code provides for the punishment of persons who imposed forced labor on others, there were no known cases of the application of this provision. Throughout the country, international observers verified that the regime routinely forced citizens to work on construction and maintenance projects. The law does not specifically prohibit forced and bonded labor by children, and forced labor by children was also a serious problem.

In 2000 the ILO determined that the regime had not taken effective action to deal with the "widespread and systematic" use of forced labor in the country and, for the first time in its history, called on all ILO members to review their relations with the regime and to take appropriate measures to ensure that the regime would not be able to take advantage of such relations to perpetuate or extend the system of forced labor. Initially the regime rejected the ILO's actions and statements; however, during the year, it began to work with the ILO by allowing visits and a liaison office to be opened in the country. In February an ILO team visited the country and an agreement was reached to establish a permanent ILO office in Rangoon to assist in dealing with continued problems of forced labor. In August the ILO began field visits to sites along the Thai border which were identified by AI and other organizations as "hot spots" for forced labor and SPDC abuse of ethnic populations. In 2001 when the regime allowed an ILO high-level team to visit the country to assess the situation, the team concluded that the regime had made "an obvious, but uneven" effort to curtail the use of forced labor, and that forced labor persisted, particularly in areas where the regime was waging active military campaigns.

Human rights groups and the ILO continued to receive allegations of forced labor from around the country, including Rangoon division, Rakhine State, and areas along the Thai border. In an October report, the ICFTU reported that the military continued to use forced labor on a massive scale. The ICFTU report echoed allegations contained in a July report by AI, Myanmar: Lack of security in counter-insurgency areas, which contained a number of specific allegations of human rights abuses by the armed forces, including forced labor. The AI allegations related primarily to areas of Shan, Karen, and Mon States, and Tenasserim division.

The ICFTU reported that women, children (including orphans and street children), and elderly persons were

required to perform forced labor; that porters often were sent into dangerous military situations, rarely received medical treatment, and almost never were compensated; that forced laborers frequently were beaten; and that some women performing forced labor were raped or otherwise abused sexually by soldiers. The ICFTU reported several cases of the military pressuring civilians to conceal the incidence and extent of forced labor from the ILO investigation team during the year. Government authorities often allowed households or persons to substitute money or food for labor for infrastructure projects, but widespread rural poverty forced most households to contribute labor. Parents routinely called upon children to help fulfill their households' forced labor obligations (see Section 6.d.). According to SHRF, in June 2001, SPDC troops forcibly conscripted 250 civilian porters, including 108 women and children, many of whom were between the ages of 8 and 16 years. Some children were forced to carry 6 cans of milk and some were forced to carry 10 mortar rounds each. Many of the children were kicked and beaten when they could not move fast enough.

According to an HRW report, Crackdown on Burmese Muslims, there was increased repression of Muslims and increased use of forced labor in Rakhine State. According to Forum Asia, the establishment of new "Model Villages" resulted in a higher demand for forced labor and land confiscation. However, other credible reports suggested that forced labor in Rakhine State had declined overall; however, army demands for forced labor reportedly continued to occur in selected townships, as did demands for portage and other army services. There also were reports of further control on the activities and movements of Rohingyas in Rakhine State (see Section 2.d.).

There were no accurate estimates of the number of citizens forced to provide labor each year but the practice was common. The regime has taken some limited measures toward eliminating the practice; however, the measures did not appear to have reduced significantly the use of forced labor, especially by the military. The regime has established a committee to implement measures against forced labor and has allowed the ILO to open an office in Rangoon and to travel throughout the country. The implementation committee, however, has not identified or prosecuted any instances of forced labor and did not appear to have the authority to intervene in allegations of military use of forced labor. The committee has not implemented adequate mechanisms for the reporting, investigation, and prosecution of incidents of forced labor.

#### d. Status of Child Labor Practices and Minimum Age for Employment

Although the law sets a minimum age of 13 for the employment of children, in practice the law was not enforced. Child labor has become increasingly prevalent and visible. Working children were highly visible in cities, mostly working for small or family enterprises. In the countryside, children worked in family agricultural activities. Children working in the urban informal sector in Rangoon and Mandalay often began work at young ages. In the urban informal sector, child workers were found mostly in food processing, street vending, refuse collecting, light manufacturing, and as tea shop attendants. According to government statistics, 6 percent of urban children worked, but only 4 percent of working children earned wages; many were employed in family enterprises.

The law does not specifically prohibit bonded labor by children; while bonded labor was not practiced, forced labor by children occurred (see Section 6.c.). The authorities reportedly rounded up orphans and street children in Rangoon and other cities and forced them into military service. Children also were forced to serve as porters in combat areas, during which beatings and other mistreatment reportedly occurred (see Section 6.f.).

The Department of Social Welfare provides support and schooling for a small number of children (approximately 3,000) who were orphaned or in some other way estranged from their families.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The military regime reportedly used children as porters, in infrastructure development, and in providing other services to military forces. Children often built or repaired roads and irrigation facilities. Households reportedly satisfied forced labor quotas by sending their least productive workers (usually children). In recent years, there have been reports that military units in various ethnic minority areas either forced children to perform support services, such as fetching water, cleaning, cutting bamboo, or cultivating food crops, or allowed households or villages to use children to satisfy SPDC orders to perform such services (see Sections 5 and 6.c.).

#### e. Acceptable Conditions of Work

Only government employees and employees of a few traditional industries were covered by minimum wage provisions. The minimum daily wage for salaried public employees was \$0.10 (100 kyats) for what was in effect a 6 hour workday. Various subsidies and allowances supplemented this sum. Neither the minimum wage nor the

higher wages earned even by senior government officials provided a worker and family with a decent standard of living. Low and falling real wages in the public sector have fostered widespread corruption. In the private sector, urban laborers earned approximately \$0.20 (200 kyat) per day, while rural agricultural workers earned approximately half that rate. Some private sector workers earned substantially more; a skilled factory worker earned approximately \$4.00 (4,800 kyat) per day.

Surplus labor conditions, a poor economy, and lack of protection by the regime continued to dictate substandard conditions for workers. The 1964 Law on Fundamental Workers Rights and the 1951 Factories Act regulate working conditions. There are legally prescribed 5 day, 35-hour workweek for employees in the public sector and a 6 day, 44-hour workweek for private and state enterprise employees, with overtime paid for additional work. The law also allows for a 24-hour rest period per week, and workers were permitted 21 paid holidays per year. However, in practice such provisions benefited only a small portion of the country's labor force, since most of the labor force was engaged in rural agriculture.

Numerous health and safety regulations existed, but in practice the regime did not make the necessary resources available to enforce the regulations. Although workers may in principle remove themselves from hazardous conditions, in practice many workers could not expect to retain their jobs if they did so.

#### f. Trafficking in Persons

Trafficking in women and children was a serious problem during the year. There reportedly was widespread complicity among local regime officials in trafficking in persons.

The law does not prohibit trafficking in persons and there were reports that persons were trafficked from and within the country. There are laws which are used against traffickers such as the Penal Code which prohibits kidnapping; the Suppression of Prostitution Act; and the Child Law, which includes provisions against the sale, abuse, or exploitation of children. According to the regime, traffickers have received sentences of between 3 and 14 years for trafficking in persons. According to the regime's figures, investigations have resulted in jail sentences being handed out in approximately 90 cases. Between 1999 and June, the Myanmar National Committee on Women's Affairs and other NGOs held more than 10,000 village-level seminars to educate families regarding the dangers of trafficking. In Mon State, eastern Shan State, and Kayin State, these seminars were carried out in cooperation with the U.N. Inter-Agency Project on Trafficking in Women and Children in the Mekong Sub-region (UN-IAP). In two reports during the year, the regime highlighted the prevention, repatriation, and prosecution actions taken under a newly formed Working Committee for the Prevention of Trafficking in Persons, chaired by the Minister of Home Affairs. While there were still many weaknesses in the program, the regime has made progress, particularly in the area of prevention and prosecution, and to a lesser extent, repatriation. Regime officials recognized the need for continuing engagement on preventing trafficking and the prosecution of traffickers. Although the regime was active on these fronts, its effectiveness still was unclear by year's end. In addition, the regime reported that it was in the process of gathering data on the incidence of trafficking and expanding cooperation with international and local NGOs. However, during the year, the regime did not cooperate with neighboring countries, most significantly Thailand, on trafficking in persons.

Trafficking of women and girls to Thailand and other countries, including China, India, Bangladesh, Taiwan, Pakistan, Malaysia, Singapore, Japan, and countries in the Middle East, for sexual exploitation, factory labor, and as household servants was a problem. Shan women and girls were trafficked across the border from the north; Karen and Mon women and girls were trafficked from the south. There was evidence that internal trafficking generally occurred from poor agricultural and urban groups to areas where commercial sex work flourished (trucking routes, mining areas, and military bases) as well as along the borders with Thailand, China, and India. Men and boys also reportedly were trafficked to other countries for sexual exploitation and labor, but this appeared to be a small percentage of overall trafficking. While most observers believed that the number of these victims was at least several thousand per year, there were no reliable estimates of the total number.

While laws exist against child prostitution and child pornography, they were not enforced well. Reports from Thailand indicated that the rising incidence of HIV infection there increased the demand for supposedly "safer," younger prostitutes, many of whom came from Burma. Trafficking in persons within the country appeared to be a growing problem; however there were no reliable statistics regarding its extent. The regime has begun to help locate families of freed child trafficking victims and to assist in their repatriation from Thailand.

In recent years, the regime has made it difficult for women to obtain passports or marry foreigners in order to reduce the outflow of women both as victims of trafficking (see Sections 1.f. and 2.d.). In addition, there are regulations forbidding girls under the age of 25 from crossing the border unless accompanied by a guardian.

However, most citizens who were forced or lured into prostitution crossed the border into Thailand without passports.

Corruption among local government officials was widespread and included complicity in the trafficking of persons. The regime's efforts to stop international and internal sex and exploitative trafficking were limited given the magnitude of the problem.

A number of NGOs offered poverty alleviation and education programs designed to counter trafficking. Reportedly these programs have been moderately successful.

While the Government has made limited progress on trafficking in persons during the year, baseline information on the extent to which trafficking occurs and the success of the government's activities is not available. The government's pervasive security controls, restrictions on the free flow of information, and lack of transparency prevent a meaningful assessment of trafficking in persons activities in the country. For example, while experts agree that human trafficking from the country was substantial, no organization, including the Government, was able or willing to estimate the number of trafficking victims.